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FM AMEMBASSY CARACAS  
TO RUEHC/SECSTATE WASHDC PRIORITY 3380  
INFO RUEHBO/AMEMBASSY BOGOTA PRIORITY 6089  
RUEHBR/AMEMBASSY BRASILIA PRIORITY 5235  
RUEHBS/AMEMBASSY BRUSSELS PRIORITY 0433  
RUEHCP/AMEMBASSY COPENHAGEN PRIORITY 0079  
RUEHLP/AMEMBASSY LA PAZ PRIORITY 1726  
RUEHPE/AMEMBASSY LIMA PRIORITY 9932  
RUEHLI/AMEMBASSY LISBON PRIORITY 1358  
RUEHLO/AMEMBASSY LONDON PRIORITY 0480  
RUEHMD/AMEMBASSY MADRID PRIORITY 3073  
RUEHMO/AMEMBASSY MANAGUA PRIORITY 1021  
RUEHME/AMEMBASSY MEXICO PRIORITY 3604  
RUEHOT/AMEMBASSY OTTAWA PRIORITY 0598  
RUEHFR/AMEMBASSY PARIS PRIORITY 0384  
RUEHQT/AMEMBASSY QUITO PRIORITY 1798  
RUEHRO/AMEMBASSY ROME PRIORITY 0589  
RUEHTC/AMEMBASSY THE HAGUE PRIORITY 0848  
RUEHROV/AMEMBASSY VATICAN PRIORITY  
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RHEHNSC/NSC WASHDC PRIORITY  
RUEHUB/USINT HAVANA PRIORITY 0529

C O N F I D E N T I A L SECTION 01 OF 03 CARACAS 000536

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E.O. 12958: DECL: 02/03/2021

TAGS: [PGOV](#) [PHUM](#) [KPAO](#) [KDEM](#) [VE](#)

SUBJECT: NOOSE TIGHTENS AROUND VENEZUELAN PRESS

Classified By: Robert Downes, Political Counselor,  
for Reason 1.4(b).

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Summary  
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11. (C) The government stepped up its actions against the Venezuelan press recently in a concerted bid to muzzle the opposition media during this election year. Following a January 23 court ruling that severely limited the media's ability to report on the case of assassinated prosecutor Danilo Anderson, the government increased its verbal attacks on the press and brought a new series of legal actions against the country's media leaders. A February 20 appeals court ruling supported the judiciary's earlier decision to limit freedom of expression on the Anderson case. A newly energized Communications Ministry released strongly threatening warnings to the press. The attorney general's office moved at the same time on legal actions against several prominent opposition media personalities including Teodoro Petkoff, Patricia Poleo, and Napoleon Bravo. Media sources told emboffs that the attorney general's office was on orders from Miraflores to deliver show trials against opposition media leaders. International press NGOs Reporters without Borders and the Inter-American Press Association have criticized these recent actions as assaults on the freedom of expression. The Chavez regime appears bent on a lasting reduction in press freedom here, yet another step towards destroying the institutions of democracy.

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Court Rules Against Media Censorship Appeal  
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12. (C) A Caracas appeals court upheld February 20 the January 23 ruling prohibiting media comment on all legal proceedings in the case of assassinated prosecutor Danilo Anderson, as well as comment on the private life of Giovanni Jose Vasquez

de Armas -- the government's primary witness in the case.  
(Note: An example of the reporting being banned were broadcasts and articles indicating Vasquez de Armas was in jail in Colombia on a date he claimed to have attended a secret meeting in Panama with the accused.) In doing so, the

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court sustained the attorney general's argument that media outlets were liable for publishing information on the case under the Social Responsibility Law for Radio and Television which allows that society's interests may outweigh the right to free speech in certain circumstance -- a ruling condemned by both the Inter-American Press Association and Reporters without Borders as a clear example of "state censorship." The February 20 appeal was championed by media outlet RCTV, which argued that the January 23 ruling violated the right to free speech and information. Separate appeals motions by the National Union of Press Workers, Tal Cual editor Teodoro Petkoff and Otoniel Guevara were denied by a different Caracas appeals court February 15.

13. (C) The Venezuelan media has been defiant in the face of the Anderson case censorship rulings, continuing to pursue legal action to overturn the decisions and to report on the case even after the February 20 appeals court ruling upheld the January 23 decision censuring media comment on the case. RCTV vowed February 20 to appeal the decision to the Supreme Court, claiming the appeals court had not accounted for evidence proving the censure was unconstitutional. Globovision head Alberto Ravell told the press February 20 that Globovision would continue to pursue the case as it had since the night Anderson was killed.<sup>8</sup> After the appeals court ruling, Globovision broadcasts showed blacked out documents on air, in accordance with only the strictest

CARACAS 00000536 002 OF 003

letter of the law, which Globovision told embassies their lawyers had interpreted as only prohibiting revealing official court documents. Globovision continued to report on the case, legal proceedings and several case files are still available in their entirety on Globovision's website. Caracas, leading newspapers ) El Universal and El Nacional ) both published editorials blasting the appeals court ruling and continued to report on the case, but were more conservative than the television broadcasters. El Universal publisher Andres Mata told embassies that his paper would follow the court order and rely on the appeals process to overturn the ruling.

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Communications Ministry Speaks Out...Against the Press  
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14. (C) The Communications Ministry warned Caracas daily El Nacional February 21 that it could be criminally liable for an editorial published February 21 entitled "The Threat of Reelection" if it did not back up the 8 accusations<sup>8</sup> contained in the opinion piece. The editorial accused the government of manufacturing electronic votes to artificially diminish abstention rates in the upcoming December Presidential elections. The Ministry called the piece "false and irresponsible" and attributed its contents to "the matrix of opinion invented by the Bush administration to delegitimize (Venezuelan) democracy and justify (military) aggression." Meanwhile, in a public statement before the National Assembly February 22, Communications Minister Yuri Pimentel continued the Ministry's offensive against the press. Pimentel called upon the National Telecommunications Commission (Conatel) to fine media outlets which violate the January 23 ruling censuring press comment on the Danilo Anderson case. Pimentel singled out a newspaper interview by Globovision head Alberto Ravell in which Ravell made statements about the legality of the Anderson case as an example of a violation of the court prohibition on public comment on the case. Neither El Nacional or Globovision have responded to the Ministry's attacks and the attorney

general's office and Conatel have thus far been silent as to whether they intend to open investigations.

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Attorney General Targets Opposition Media  
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15. (C) Media sources told emboffs that President Chavez is pushing prosecutors to deliver 8show trials8 against several prominent opposition media figures, including media personality Napoleon Bravo and journalist Patricia Poleo. The government recently brought criminal defamation charges against Bravo for comments he made in 2004 which allegedly disparaged the Supreme Court. Bravo told emboffs that the prosecution was applying the March 2005 penal code reform retroactively in his case. He said that he believes the government's real objective in pursuing the case is to make an example of him by forcing him from his job as an early morning talk show host at Union Radio, where he often lampoons President Chavez. International press NGO Reporters without Frontiers issued a press release February 10 defending Bravo. Separately, Attorney General Isaias Rodriguez announced February 16 that he planned to request the extradition of well-known opposition journalist Patricia Poleo. Poleo fled the country in November 2005 after the government accused her and three others including businessman Nelson Mezerhane of being the intellectual authors of the November 2004 killing of prosecutor Danilo Anderson. She has been one of the government's most outspoken critics.

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CARACAS 00000536 003 OF 003

Tal Cual Editor Faces Criminal Charges  
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16. (C) Tal Cual editor and rumored Presidential hopeful Teodoro Petkoff was forced to defend himself against BRV prosecutorial action stemming from his decision to publish a satirical essay written as an open letter to President Chavez's daughter. The essay, entitled "Dear Rosines", was a response to Chavez's announcement that he wanted to change the Venezuelan coat of arms at the request of his daughter, and was modeled after the "Dear Amy" parody inflicted upon President Carter during his term in office. Petkoff faces two separate legal proceedings on the case -- one administrative, brought before the BRV Council for the Protection of Children and Adolescents, and the other a criminal case brought before the Protection of Children and Adolescents Court on February 16.

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COMMENT  
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17. (C) The government's recent assault on the press was meant to have a chilling effect on the country's media. It,s working. Although Globovision in particular has stood its ground against the efforts to censure them on the Anderson case, a recent study by the Institute for Press and Society found that the country's three most important television stations (Venevision, Televen, and RCTV) have reduced their opinion programs by 50% since the end of 2004. The government's strategy of targeting media leaders with judicial action and fines is clearly effective in generating widespread self-censorship. To this point, the BRV has not experienced international fallout which would come from the creation of too obvious a press martyr. The Chavez regime appears bent on a lasting reduction in press freedom here, yet another step towards destroying the institutions of democracy.  
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